

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

BOARD OF REGENTS OF THE
UNIVERSITY OF TEXAS SYSTEM,
An Agency of the State of Texas, and
RADWORKS CORPORATION,
A Texas Corporation,

Plaintiffs,

EASTMAN KODAK COMPANY,
A New Jersey Corporation,
PRACTICEWORKS, INC.,
A Delaware Corporation,
PRACTICEWORKS SYSTEMS, L.L.C.,
A Georgia Limited Liability Company,
PRACTICEWARES, INC.,
A Delaware Corporation, and
JOHN DOES 1 thru 10,

Defendants.

FILED
MAR 8 2005
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY *[Signature]* DEPUTY CLERK
CIVIL ACTION NO. SA-04-CA-0912-XR

SCHEDULING ORDER

Grants Motion (Doc. no. 18) and

Pursuant to Rule 16, Federal Rules of Civil Procedure, the Court issues the following Scheduling Order:

1. A report on alternative dispute resolution in compliance with Local Rule CV-88 shall be filed by **March 29, 2005**.
2. The parties' initial disclosures shall be made on **March 29, 2005**.
3. Plaintiffs shall submit a written offer of settlement to opposing parties by **April 15, 2005**, and each opposing party shall respond, in writing, by **April 22, 2005**.
3. The parties shall file all motions to amend or supplement pleadings or to join additional parties by **May 16, 2005**.

4. Markman Hearing Deadlines

- a. Designation of Plaintiffs' *Markman* witnesses, if any, including experts shall be served by **September 2, 2005**.
- b. Plaintiffs' *Markman* brief shall be filed and served by **September 2, 2005**.
- c. Designation of Defendants' *Markman* witnesses, if any, including experts shall be served by **September 16, 2005**.
- d. Defendants' *Markman* brief shall be filed and served by **September 16, 2005**.
- e. Plaintiffs shall file any reply brief to defendants' *Markman* brief by **September 26, 2005**.
- f. The parties are to exchange, with an index, all exhibits that will be provided to the Court for the *Markman* hearing by **October 3, 2005**.
- g. The parties are to file any objections to *Markman* exhibits by **October 10, 2005**.
- h. Further, not less than **seven (7)** days prior to the *Markman* hearing, the parties shall confer and attempt to reduce the number of issues for the *Markman* hearing and provide a list to the Court of any outstanding claim construction or evidentiary issues.

5. The *Markman* hearing is set for **October 21, 2005**, at 9:30 a.m.¹⁹

6. Plaintiffs shall FILE their designation of potential witnesses, testifying experts, and proposed exhibits, and shall SERVE on all parties, but not file the materials required by Fed.R.Civ.P. 26(a)(2)(B) **not later than four (4) weeks after the Court's ruling on the Markman hearing**. Defendants shall FILE their designation of potential witnesses, testifying experts, and proposed exhibits, and shall SERVE on all parties, but not file the material required by Fed.R.Civ.P. 26(a)(2)(B) **not later than eight (8) weeks after the Court's ruling on the Markman hearing**. All designations of rebuttal experts shall be FILED within 15 days of receipt of the report of the opposing expert.

7. An objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, within **21** days of receipt of the written report of the expert's proposed testimony, or within **21** days of the expert's deposition, if a deposition is taken, whichever is later.

8. All dispositive motions shall be filed **not later than twelve (12) weeks after the Court's ruling on the Markman hearing**. Dispositive motions as defined in Local Rule CV-7(h) and responses to dispositive motions shall be limited to **20** pages in length.

9. The parties shall complete all discovery **not later than twelve (12) weeks after the Court's ruling on the Markman hearing**. Counsel may by agreement continue discovery beyond the deadline, but there will be no intervention by the Court

except in extraordinary circumstances, and no trial setting will be vacated because of information obtained in post-deadline discovery.

10. This case is set for trial on Monday, May 8, 2006 at 9:30 a.m. The parties should consult Local Rule CV-16(e) regarding matters to be filed in advance of trial. Pretrial Submissions shall be filed no later than April 17, 2006.

SIGNED and ENTERED this 8th day of March, 2005.



Xavier Rodriguez
United States District Judge

AGREED:



Ted D. Lee
Miguel Villarreal, Jr.
Gunn & Lee, P.C.
700 N. St. Mary's St., Suite 1500
San Antonio, TX 78205

ATTORNEYS FOR PLAINTIFFS

AGREED:

Jeffrey R. Parsons
Bruce C. Morris
Beirne Maynard & Parsons, L.L.P.
1300 Post Oak Blvd. 25th Floor
Houston, TX 77056

Stephen M. Hankins
Jeffrey R. Williams
Paul M. Previde
Morganstein & Jubelirer, L.L.P.
One Market
Spear Street Tower, 32nd Floor
San Francisco, CA 94105

ATTORNEYS FOR DEFENDANTS

except in extraordinary circumstances, and no trial setting will be vacated because of information obtained in post-deadline discovery.

10. This case is set for trial on _____ at _____.m. The parties should consult Local Rule CV-16(e) regarding matters to be filed in advance of trial.

SIGNED and ENTERED this _____ day of _____, 2005.

Xavier Rodriguez
United States District Judge

AGREED:

Ted D. Lee
Miguel Villarreal, Jr.
Gunn & Lee, P.C.
700 N. St. Mary's St., Suite 1500
San Antonio, TX 78205

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San Francisco, CA 94105

ATTORNEYS FOR DEFENDANTS

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LIST OF MEDIATORS
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

Revised January 25, 2005

NAME OF MEDIATOR	ADDRESS OF MEDIATOR	TELEPHONE NO.
Mr. Daniel C. Andrews	10100 Reunion Pl., Suite 600, San Antonio, TX 78216	(210) 344-3900
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Mr. Emerson Banack, Jr.	745 E. Mulberry, Suite 900, San Antonio, TX 78212	(210) 736-6600
Mr. Byron E. Barnett	6838 San Pedro Ave., San Antonio, TX 78216	(210) 826-0409
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Mr. Terry S. Bickerton	3355 Cherry Ridge, Suite 200, San Antonio, TX 78230	(210) 340-9087
Ms. Cynthia Glass Bivins	112 E. Pecan St., San Antonio, TX 78205	(210) 354-1300
Ms. Judith R. Blakeway	300 Convent Street, Suite 900, San Antonio, TX 78205	(210) 250-6004
Mr. Charles Russell Bomba	11230 West Ave., Suite 3201, San Antonio, TX 78213	(210) 366-2317
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Mr. Michael Curry, Jr.	823 Congress Ave., Suite 1100, Austin, TX 78701	(512) 474-5573
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Mr. Juan Gallardo	5804 Babcock Road, Suite 365, San Antonio, TX 78240	(830) 980-9665
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Mr. James N. Higdon	12000 Huebner, Suite 200, San Antonio, TX 78230	(210) 349-9933
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Mr. Tom Reavley	1301 West 25th Street, Suite 525, Austin, TX 78705-4248	(512) 476-2464
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Mr. Mitchell S. Rosenheim	P.O. Box 376, Hunt, TX 78024	(830) 238-3558
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Mr. Richard A. Sparr, Jr.	1313 N.E. Loop 410, Suite 100, San Antonio, TX 78209	(210) 828-6500
Hon. Rose Spector	816 Congress, Suite 1700, Austin, TX 78701-2443	(512) 404-7867
Mr. David Stephenson	112 E. Pecan, Suite 1500, San Antonio, TX 78205	(210) 227-7121
Mr. Stevan R. Stough	P.O. Box 700732, San Antonio, TX 78270	(210) 497-3032
Ms. Margaret P. Sullivan-Pace	218 Encino, San Antonio, TX 78209	(210) 826-1442

UNITED STATES DISTRICT COURT

Western District of Texas

Alternative Dispute Resolution Summary

1. Style of case: _____

2. Civil action number: _____

3. Nature of suit: _____

4. Date of Mediation: _____

5. When did the case settle? Before ADR In ADR Did Not Settle6. What was your total fee? \$ _____ or Pro Bono7. How was this Mediation initiated? by court order or agreement of the parties

8. Please provide the names, addresses, and telephone numbers of counsel:

Name: _____

Name: _____

Address: _____
_____Address: _____
_____Phone: _____
_____Phone: _____

Name: _____

Name: _____

Address: _____
_____Address: _____

Phone: _____

Phone: _____
_____9. Additional comments: _____

_____Signature of Neutral

_____Date

_____Address

_____Phone

